

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MINKUS ELECTRONIC DISPLAY)	
SYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 10-666-SLR
)	
TIROMEDIA, LLC, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER


At Wilmington this *30th* day of March, 2011, having reviewed defendant Tiromedia LLC's motion to dismiss and the papers filed in connection therewith;

IT IS ORDERED that the court shall reserve judgment on said motion (D.I. 242), pending limited jurisdictional discovery, as more fully discussed below.

1. According to Third Circuit precedent, "[i]f a plaintiff presents factual allegations that suggest 'with reasonable particularity' the possible existence of the requisite 'contacts between [the party] and the forum state'. . . . the plaintiff's right to conduct jurisdictional discovery should be sustained." *Toys "R" Us, Inc. v. Step Two, S.A.*, 318 F.3d 446, 456 (3d Cir. 2003) (citation omitted). In *Belden Techs., Inc. v. LS Corp.*, 626 F. Supp.2d 448, 456 (D. Del. 2009), this court allowed jurisdictional discovery based on assertions that defendant's products were distributed nationally through a named supplier with a network of distributors, including in Delaware, and that defendant encouraged such sales by warranting those of its products sold through its

supplier, including those products sold in Delaware.

2. Plaintiff at bar has alleged, in its motion papers, that defendant had the intention to sell its products in Delaware (as demonstrated by its past use of an interactive website) and the continuing means to do so through its contacts with “value-added reseller partners and kiosk manufacturer customers.” Although these allegations are not as detailed as those reviewed in *Belden*, the court will allow plaintiff to depose defendant’s declarant, Karim Ghessasi, for up to 4 hours; the deposition shall be scheduled on or before **April 29, 2011**, absent agreement among the parties. No further discovery shall be undertaken without prior permission of the court. Plaintiff may supplement its response to the motion to dismiss on or before **May 16, 2011**. Defendant may supplement its reply on or before **May 31, 2011**.



United States District Judge